

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:

Mack Industries, Ltd., *et al.*,

Debtors.

Chapter 7

Bankruptcy No. 17-09308
(Jointly Administered)

Honorable Carol A. Doyle

**AGENDA FOR STATUS HEARING IN
AVOIDANCE ACTIONS**

Time and Date of Hearing: July 15, 2021 at 10:45 a.m. (Central)

Location of Hearing: **Defendants and counsel are not required to appear other than as provided herein.**

For those wishing to appear, pursuant to the [Third Amended General Order No. 20-03](#), this hearing will be conducted electronically using Zoom for Government.

To appear by video, use this link: <https://www.zoomgov.com/join>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at (669) 254-5252 or (646) 828-7666. Then enter the meeting ID and password.

Meeting ID: 161 155 8289
Passcode: Doyle742

Access this Agenda Online: <https://wfactorlaw.com/mack-industries-filing/>

STATUS OF AVOIDANCE ACTIONS

1. Closed Cases (244 matters).

1.A. The Avoidance Actions identified on **Exhibit 1** are closed.

2. Continue Only (169 matters).

2.A. In the Avoidance Actions identified on **Exhibit 2**, the Trustee respectfully requests that the adversary status hearing be continued to August 19, 2021 at 10:45 a.m.

3. No Status Hearing (2 matters)

3.A. The Avoidance Actions identified on **Exhibit 3** are not scheduled for hearing at this Omnibus and no treatment is necessary.

4. Uncontested Motions (4 matters)

4.A. In each of the Avoidance Actions identified on **Exhibit 4** an uncontested motion has been filed. The Trustee respectfully requests that the proposed order filed with each motion be entered without the need for presentment and that the accompanying adversary status hearing, if any, be continued to August 19, 2021 at 10:45 a.m.

5. Other Motions (15 matters – Exhibit 5)

5.A. The Trustee filed a motion for entry of an order of default and a motion for entry of a default judgment in each of the following Avoidance Actions. The Trustee respectfully requests that each motion be granted and after entry of the order of default and default judgment that each adversary proceeding be closed.

5.A.i. 19-ap-00353 Ky's Lawn Service, Inc.

5.A.ii. 19-ap-00484 M & R Delivery and Maintance Services
Inc.

5.B. Continued motions for default and default judgment are pending in the following Avoidance Actions. At the last omnibus hearing, these motions were continued to allow the defendants to file their answers in the interim. As of the filing of this Agenda, no answers have been filed. Accordingly, the Trustee respectfully requests that each motion be granted

and after entry of the order of default and default judgment that each adversary proceeding be closed.

5.B.i. 19-ap-00222 Andres Rojas

5.B.ii. 19-ap-00407 Nicholas Gabrione, et al.

5.B.iii. 19-ap-00413 Jeffrey Kautz, et al.

5.C. 19-ap-00193 Luzys Construction, Inc. The defendant filed a motion to vacate this Court's entry of a default judgment. The Trustee respectfully requests that the motion be denied.

5.D. 19-ap-00498 The PJC Group LLC and David Conaghan. The Trustee filed a motion to compel responses to discovery and to extend certain deadlines. The Trustee respectfully requests that the motion be granted.

5.E. Continued motions for entry of judgment as a discovery sanction are pending in the following Avoidance Actions. At the last omnibus hearing, these motions were continued and this Court ordered the defendants to provide the outstanding discovery before July 8, 2021, except in Only Plumbing 2 which was continued to allow the parties time to discuss settlement. As of the filing of this Agenda, discovery responses have been received from JV's Flooring, Inc. otherwise no discovery has been provided and no settlements have been reached. Accordingly, the Trustee respectfully requests that in the remaining cases the motion be granted, judgment be entered, and after the order and judgment are entered that the adversary proceeding be closed.

5.E.i. 19-ap-00145 Only Plumbing 2, Inc.

5.E.ii. 19-ap-00350 JV's Flooring, Inc.

5.E.iii. 19-ap-00497 Only Plumbing Inc.

5.E.iv. 19-ap-00501 Pride One Exteriors

5.E.v. 19-ap-00474 Jerry Cobbin

5.F. 19-ap-00561 Will County. The Trustee filed a motion to extend the briefing schedule on the defendant's pending motion to dismiss. The Trustee respectfully requests that the motion be granted.

5.G. 19-ap-00248 Electronic Funds Source, LLC. The defendant's continued motions for dismissal and summary judgment are pending. The parties have reached a settlement and the Trustee respectfully requests that these motions be continued to August 19, 2021 at 10:45 a.m.

5.H. 19-ap-00437 American Builders & Contractors Supply Co. Inc. d/b/a ABC Supply Co. Inc. The defendant filed a Motion to Extend and the defendant's continued motion to compel is pending.

5.H.i. The Trustee respectfully requests that the proposed order filed with the motion to extend be entered.

5.H.ii. The Trustee respectfully requests that the continued motion to compel be continued to July 20, 2021 at 10:45 a.m.

6. Motions Common to All Open Avoidance Actions.

6.A. A continued hearing will be held on July 20, 2021 at 10:45 a.m. in the matter of 19-ap-00437 American Builders & Contractors Supply Co. Inc. d/b/a ABC Supply Co. Inc. where it is anticipated that access to Forensic Images will be addressed. All who are interested in accessing the Forensic Images are encouraged to attend the hearing.

Dated: July 9, 2021

Respectfully submitted,

Ronald R. Peterson, not
individually but as the chapter 7
trustee of the bankruptcy estate of
Mack Industries, Ltd., *et al.*

By: /s/ Ariane Holtschlag
One of His Attorneys

Jeffrey K. Paulsen (6300528)
Ariane Holtschlag (6294327)
FACTORLAW
105 W. Madison, Suite 1500
Chicago, IL 60602
Tel: (312) 878-4830
Fax: (847) 574-8233
Email: aholtschlag@wfactorlaw.com